

REMARKS

The Applicants do not believe that examination of this response will result in the introduction of new matter into the present application for invention. Therefore, the Applicant requests that the above amendment be entered and that the claims to the present application, kindly, be reconsidered.

The Final Office Action dated July 5, 2005 has been received and considered by the Applicants. Claims 1-20 are pending in the present application for invention. Claims 1-20 are rejected by the July 5, 2005 Final Office Action.

Claim 1 is under the provisions of 35 U.S.C. §112, first paragraph for containing subject matter that is not supported by the specification. The Examiner's position is that the specification does not provide support for the subject matter of the grid containing a plurality of key frames for each program. The Applicants, respectfully, disagree. The Applicants would like to draw the Examiner's attention to page 3, lines 7-8, wherein it is clearly stated that the "key frames can be shown in sequential mosaic form, or a sequence of flashing images". Therefore, this rejection is, respectfully, traversed.

The Final Office Action rejects Claims 10, 11, 13, 14, 16, 18, and 20 under the provisions of 35 U.S.C. §102(b) as being anticipated by GB 2330474 by Hong (hereinafter referred to as Hong). The Applicants would like to draw the Examiner's attention to the MPEP at §2131 wherein the courts opinion in *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) is quoted as stating that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." The Applicants, respectfully, assert that the rejection contained in the July 5, 2005 Final Office Action does not set forth each and every element within the rejected claims.

Claim 10, defines subject matter for a method of selecting a preferred television program from a plurality of television programs, including choosing a specific program from a display of textually described programs and displaying said specific program as a sequence of key frame images; wherein the sequence of key frame images represents a continuum of the slotted program as it progresses. Hong makes no disclosure or suggestion for displaying said

specific program as a sequence of key frame images. The use of key frames is not mentioned in any way by Hong. Furthermore, there is no disclosure or suggestion by Hong for using a sequence of key frame images to represent a continuum of the slotted program as it progresses. The Examiner asserts the disclosure of by Hong on page 7, line 22-page 8, line 5 of program guide information in the satellite signal includes a text portion and image data of the programs in the program guide menu; wherein image data includes video data for a sequence of predetermined number of pictures capable of providing representative motion pictures or images of the program reads on the subject matter for Claim 10. The Applicant, respectfully, point out that the foregoing does not disclose or suggest choosing a specific program from a display of textually described programs that results in the displaying of a specific program as a sequence of key frame images. Hong only makes a simple statement that the program guide information in the satellite signal includes image data of the programs in the program guide menu; which image data includes video data for a sequence of predetermined number of pictures capable of providing representative image. Hong makes no disclosure or suggestion for choosing a specific program from a display of textually described programs and displaying a specific program as a sequence of key frame images. Furthermore, Hong makes no disclosure or suggestion for the sequence of key frame images to represent a continuum of the slotted program as it progresses. Therefore, this rejection is traversed.

Rejected Claim 11 defines subject matter for the method of Claim 10, wherein the display of key frame images sequentially follows the story line of the chosen program and at least one of the key frame images is highlighted.

The Examiner asserts that Hong discloses that the key frame images are invoked in a sequence following progress of the program on page 7, line 22-page 8, line 5. As previously discussed in the response to rejection of Claim 10, Hong does not disclose or suggest that key frame images are invoked in a sequence following progress of the program upon choosing a program. The Examiner further states that Hong also discloses that key frame images are highlighted on page 9, lines 20-22. The Applicants would like to, respectfully, point out that Hong on page 9, lines 20-22 discloses one of the programs in the displayed program guide is highlighted. Hong makes no disclosure or suggestion that any key frame image is within a sequence of key frame image is highlighted. There is no disclosure or suggestion for the sequence of images within Hong following the story line or progress of the program with at least

one of said key frame images is highlighted. Therefore, this rejection is, respectfully, traversed.

Regarding Claim 13, the Examiner states that Hong discloses that the key frame images comprise textual message in Figure 4, rows 3-5. The Applicants would like to, respectfully, point out that Figure 4, rows 3-5 of Hong do not disclose a key frame but instead disclosure programs. The Examiner is reading programs as taught by Hong as being equivalent to the key frames as defined by the claims to the present invention. There is no disclosure or suggestion for key frames as defined by the present invention. There is no disclosure or suggestion for pictures within the sequence of picture to contain a text messages by Hong. Therefore, this rejection is traversed.

Regarding Claim 14, the Examiner states that Hong discloses that the highlighted key frame image is most indicative of the theme as illustrated in Figure 4 and page 9, lines 20-22. The Applicants strenuously point out that this position on the part of the examiner has no merit. The Examiner is simply reading the elements to the rejected claims and making broad statements that the subject matter defined by the rejected claims is found within Hong without any disclosure or suggestion within Hong. Hong does not disclose, or suggest, the highlighting of key frames. Therefore, this rejection is traversed.

Regarding Claim 16, the Examiner states that Hong shows a highlighted key frame image with a bright border in the fourth row of Figure 4. The Applicants, as previously discussed, Fig. 4 does not show key frames as defined by the rejected claims and disclosed by the specification to the present invention. Therefore, this rejection is traversed.

Rejected Claim 18 defines subject matter for a television program selection system, comprising a grid of television programs slotted for a particular time and channel, said grid displaying a plurality of key frame images of each television program selected by a television viewer wherein the key frame images represents a continuum of the slotted program as it progresses. The Examiner asserts that Hong discloses a television program selection system comprising: a grid of television program slotted for a particular time and channel, with grid containing key frames of each program; and means to select the slotted program to reveal a sequential showing of the key frames images. The Applicants, respectfully point out that Hong on page 7, line 22 – page 8, line 5 discloses image data in the program guide menu that includes video data for a sequence of predetermined pictures representative of the program. Hong on page 9, line 26 – page 10, line 9 discloses that a one of the grids within the program guide is

highlighted. The Applicants, respectfully, disagree. As previously discussed in the response to the rejection of Claim 10, there is no disclosure, or suggestion within Hong for displaying a plurality of key frame images of each television program selected with the sequential showing representing a continuum of the slotted program as it progresses. Therefore, this rejection is traversed.

Claim 20 defines subject matter for the television program selection system of Claim 18, wherein the grid displays a sequence of key frame images for each program and further wherein said sequence follows the storyline of that particular program. The Examiner making the rejection with regard to Claim 20 states that Hong discloses that the key frame images are invoked in a sequence following progress of the program on page 7, line 22 - page 8, line 5. The Applicants would like to, respectfully, point out that Claim 20, defines subject matter for displaying a sequence key frames for a selected channel. There is no disclosure or suggestion for the displaying of a sequence of images for a selected channel within Hong. Claim 20 further defines subject matter for the sequential showing to follow the story line of the program. There is no disclosure or suggestion for the sequence of pictures within Hong to follow the story line of the program. Therefore, this rejection is traversed.

The Final Office Action rejects Claims 1-3, 5, 6 and 8 under the provisions of U.S.C. §103(a) as being unpatentable over Hong and U.S. Patent No. 6,870,573 issued to Yeo et al. (hereinafter referred to as Yeo et al.).

Regarding Claim 1, the Examiner states that Hong discloses a television program selection system comprising: a grid of television program slotted for a particular time and channel, said grid containing key frames of each program; and means to select the slotted program to reveal a sequential showing of the key frames images. The Applicants, respectfully point out that Hong makes no disclosure or suggestion for reveal a sequential showing of the key frames images. In fact Hong makes no disclosure or suggestion for key frames images as defined by the present application for invention. Hong on page 7, line 22 - page 8, line 5 teaches that the program guide information for a satellite broadcast signal includes image data that includes video data for a sequence of predetermined pictures representative of the program. There is no disclosure or suggestion within Hong that selection of the slotted program reveals a sequential showing of key frame images, wherein the sequential showing represents a continuum of the

slotted program as it progresses. Hong on page 9, line 26 – page 10, line 9 teaches that a one of the grids within the program guide is highlighted. Claim 1 defines subject matter for the sequential showing represents a continuum of the slotted program as it progresses. There is no disclosure, or suggestion within Hong for the sequential showing represents a continuum of the slotted program as it progresses. Therefore, Claim 1 this rejection is traversed.

The Examiner admits that Hong does not disclose a plurality of key frames for each program. The Examiner alleges that Yeo et al. discloses a plurality of key frames for each program. The MPEP at §2143.01 states that if the “proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).”

The Applicants, respectfully, point out that Hong pertains to a set top box that receives program service information and program guide information. That data that the Examiner attempts to apply from Hong is data that already exists in the signals that are transmitted. The teachings of Hong pertains to a grid display of programming that is available, similar, in some manner, to the type of grid display described by Yeo et al. on page 2, lines 1-27. More specifically, Hong pertains to a program guide with a grid display of programs that are currently available and the programs that are yet to be broadcast (see Claim 2 of Hong). In contradistinction to the intended use of Hong for providing a program guide with a grid display of programs that are currently available and the programs that are yet to be broadcast, Yeo et al. teaches obtaining a plurality of frames for programs using a frame grabber, which frames are portions of programs that have already aired. The grid within the program guide for Hong only provides information for current and future programming. The frames shown by Yeo et al. are only operative to show frames from programming that has already taken place. Attempts to combine Hong with Yeo et al. would render Hong unfit for its intended use. The intended use of Hong is to provide a program guide that operates on the program that are going to be shown or are currently being shown. Yeo et al. is only effective in showing frames from programming that has already taken place. It is not possible for the frame grabbing techniques of Yeo et al. to be used in a system of Hong because to do so would

prevent Hong from performing its intended purpose.

Regarding Claim 2, the Examiner states that Hong discloses that the key frame images are invoked in a sequence following progress of the program on page 7, line 22-page 8, lines 5. The Applicants would like to, respectfully, point out that Claim 2, before amendment, defined subject matter for a sequence following the story line or progress of the program. There is no disclosure or suggestion for the sequence of images within Hong following the story line or progress of the program. However, the amendment made to Claim 1 uses a portion of the foregoing recitation from Claim 2. Therefore, Claim 2 has been amended to define subject matter for the sequential showing to follow the story line of the program. There is no disclosure or suggestion for the sequence of pictures within Hong to follow the story line of the program. Therefore, Claim 2 is believed to be allowable over Hong.

Regarding Claim 3, the Examiner states that Hong discloses that the key frame images are highlighted on page 9, lines 20-22. The Applicants would like to, respectfully, point out that Hong discloses that one of the programs in the program guide is highlighted. Hong does not disclose or suggest that one of the pictures in the sequence be highlighted. Therefore, this rejection is, respectfully, traversed.

Regarding Claim 5, the Examiner states that Hong discloses that the key frame images comprise textual message in Figure 4, rows 3-5. The Applicants would like to, respectfully, point out that Figure 4, rows 3-5 of Hong do not disclose a key frame but instead disclosure programs. The Examiner is reading programs as taught by Hong as key frames as defined by the claims to the present invention. There is no disclosure or suggestion for the pictures within the sequence of pictures taught on page 8, lines 1-5 of Hong on the recitation of key frames of the present invention. The Examiner has previously read the sequence of pictures taught on page 8, lines 1-5 Hong of on the key frames defined by the claims to the present invention. It appears that the Examiner now attempts to read the program listings themselves on the key frames. The Applicants, respectfully, submit that this is not a proper reading of Hong. The programs within the program guide of Hong can not effectively be read on the key frames defined by the claims to the present invention. Therefore, this rejection is, respectfully, traversed.

Regarding Claim 6, the Examiner states that Hong discloses that the highlighted

key frame image is most indicative of the theme as illustrated in Figure 4 and page 9, lines 20-22. The Applicants, as previously discussed, respectfully assert that Hong does not disclose, or suggest, the highlighting of key frames. Therefore, this rejection is, respectfully, traversed.

Regarding Claim 8, the Examiner states that Hong shows a highlighted key frame image with a bright border in the fourth row of Figure 4. The Applicants, as previously discussed, respectfully assert that Hong does not disclose, or suggest, the highlighting of key frames. Therefore, this rejection is, respectfully, traversed.

The Final Office Action rejects Claim 7 under the provisions of U.S.C. §103(a) as being unpatentable over Hong in view of Yeo et al. and further in view of U.S. Patent No. 6,804,825 issued to White et al. (hereinafter referred to as White et al.).

Regarding Claim 7, the Examiner states that Hong discloses that the key frame is highlighted on page 9, lines 20-22. The Applicants, respectfully, assert that there is no disclosure or suggestion within Hong for highlighting a key frame as defined by the claims to the present invention. The Examiner is reading the highlighting of a selected program on the highlighting of a key frame and the Applicants, as previously discussed, disagree with this reading. The Examiner admits that Hong fails to disclose highlighting comprising a single color. The Examiner further states that highlighting by a single color is taught by Yeo et al. or White et al. The Applicants would like to, respectfully, point out that Yeo et al. and White et al. do not disclose or suggest highlighting a key frame as defined by the claims to the present invention. The combination does not disclose or suggest, highlighting a key frame, much less highlighting a key frame in color. Therefore, this rejection is, respectfully, traversed.

The Final Office Action rejects Claims 4 and 9 under the provisions of 35 U.S.C. §103(a) as being obvious over Hong in view of Yeo et al. and further in view of U.S. Publication No. 2004/0230992 in the name of Yuen et al. (hereinafter referred to as Yuen et al.). The Examiner admits that Hong in view of Yeo et al. fails to disclose that the key frame images comprise at least one sound bite. The Examiner further states that Yuen et al. disclose a program selection system comprising a key frame images having a corresponding sound bite in paragraph 15. The Applicants would like to, respectfully, point out that Yuen et al. do not disclose or suggest a key frame images having a corresponding sound bite. Yuen et al. disclose playing programs in a PIP window with

audio, but there is no disclosure or suggestion for sound bites to be associated with key frames. In fact Yuen et al. does not address key frames as defined by the claims to the present invention. Therefore, this rejection is respectfully traversed.

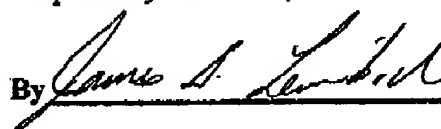
The Final Office Action rejects Claim 15 under the provisions of U.S.C. §103(a) as being unpatentable over Hong in view of White et al. The Examiner states that Hong discloses that the key frame is highlighted on page 9, lines 20-22. The Applicants, respectfully, assert that there is no disclosure or suggestion within Hong for highlighting a key frame as defined by the claims to the present invention. The Examiner is reading the highlighting of a selected program on the highlighting of a key frame and the Applicants, as previously discussed, disagree with this reading. The Examiner admits that Hong fails to disclose highlighting comprising a single color. The Examiner further states that highlighting by a single color is taught by White et al. The Applicants would like to, respectfully, point out that White et al. does not disclose or suggest highlighting a key frame as defined by the claims to the present invention. The combination does not disclose or suggest, highlighting a key frame, much less highlighting a key frame in color. Therefore, this rejection is, respectfully, traversed.

The Final Office Action rejects Claims 12, 17 and 19 under the provisions of 35 U.S.C. §103(a) as being obvious over Hong in view of U.S. Publication No. 2004/0230992 in the name of Yuen et al. (hereinafter referred to as Yuen et al.). The Examiner admits that Hong in view of Yeo et al. fails to disclose that the key frame images comprise at least one sound bite. The Examiner further states that Yuen et al. disclose a program selection system comprising a key frame images having a corresponding sound bite in paragraph 15. The Applicants would like to, respectfully, point out that Yuen et al. do not disclose or suggest a key frame images having a corresponding sound bite. Yuen et al. disclose playing programs in a PIP window with audio, but there is no disclosure or suggestion for sound bites to be associated with key frames. In fact Yuen et al. does not address key frames as defined by the claims to the present invention. Therefore, this rejection is respectfully traversed.

The Applicants are not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicants believe that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By 

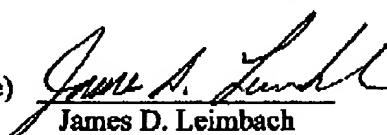
James D. Leimbach
Patent Attorney Reg. No. 34,374

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence
is being transmitted on this date via
facsimile transmission to (571) 273-8300 AND addressed to:
Mail Stop: Amendment
COMMISSIONER OF PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Date of Transmission: September 21, 2005

(Signature)

By: 
James D. Leimbach